



MAY 11 2006

PATENT & TRADEMARK OFFICE  
I hereby verify that this correspondence is being deposited with the United States Postal Service as first class mail  
envelope addressed to: Mail Stop Notice of Appeal, Commissioner for Patents, P.O. Box 1450 Alexandria, VA  
22313-1450; on

MAY 8, 2006

Date

MARK Bourgeois

Typed or Printed Name of Person Mailing Paper or Fee

Signature

Date of Signature

5/8/2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial no.: 09/944,932  
Filing date: 08/31/2001  
For: Euphorbia Plant named 'Charam'  
Inventor: Tickner  
Atty. Docket no.: PH39  
Group Art Unit: 1661  
Examiner: Para  
Confirmation No.: 2267

### Request for Re-Instatement of Notice of Appeal

This is in response to the final office action dated February 24, 2006.

Applicant hereby submits the enclosed Notice of Appeal to the Board of Patent Appeals and Interferences.

Since a notice of appeal was previously submitted with a large entity fee of \$320 and the present large entity fee is \$500, the Commissioner is authorized to charge the difference between the previously paid fee and the current fee of \$180 to Deposit Account number 50-2485.

Respectfully submitted,

Mark P. Bourgeois  
Reg. No. 37,782



PTO/SB/31 (04-05)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional)

PH39

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on MAY 8, 2006

Signature

Typed or printed name Mark Bourgois

In re Application of

Tickner

Application Number

09/944,932

Filed

8/31/2001

For Euphorbia Chama

Art Unit

1661

Examiner

PARA

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

180 Fee Difference

From Previously Paid Fee

\$ \_\_\_\_\_

Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ \_\_\_\_\_

A check in the amount of the fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Director has already been authorized to charge fees in this application to a Deposit Account.  
I have enclosed a duplicate copy of this sheet.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. \_\_\_\_\_ . I have enclosed a duplicate copy of this sheet.

A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

05/12/2006 FMETEK11 00000001 502485 09944932

01 FC:1401 180.00 DA 320.00 OP

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

applicant/inventor.

assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

attorney or agent of record.  
Registration number 37,782

attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34. \_\_\_\_\_

Signature

Mark Bourgois

Typed or printed name

574-522-7996

Telephone number

5/8/2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below\*. \*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Adjustment date: 05/12/2006 FMETEK11  
05/28/2003 KZEWIDIE 00000138 09944932  
01 FC:1401 -320.00 OP